

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>CASE NO. 1:12-CR-00179</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE DONALD NUGENT</b>
	)	
<b>-vs-</b>	)	
	)	<b><u>MOTION TO EXCUSE</u></b>
<b>MANUEL DIAZ MARTA</b>	)	<b><u>DEFENDANT'S PRESENCE</u></b>
	)	
<b>Defendant.</b>	)	

Defendant Manuel Diaz Marta, through counsel, respectfully moves this Court to excuse his presence at the pretrial scheduled on October 25, 2012, for the reason that he resides in Texas, thus his attendance at the pretrial would involve significant expense and require him to miss work. Additionally, it is anticipated that the pretrial will primarily involve discovery issues and defendant's presence would therefore not be necessary.

Assistant United States Attorneys Chelsea Rice and Bob Kern have been advised of this motion and have no objection to this request.

For these reasons, Mr. Diaz Marta requests that the Court grant this motion.

Respectfully submitted,

/s/ Jennifer E. Schwartz  
Jennifer E. Schwartz (0055839)  
Schwartz Downey & Co., L.P.A.  
1616 Guildhall, 45 West Prospect Avenue  
Cleveland, Ohio 44115  
(216) 696-7100  
(216) 696-7210 (facsimile)  
[jschwartz@sdlpa.com](mailto:jschwartz@sdlpa.com)

Attorney for Defendant Manuel Diaz Marta

**CERTIFICATE OF SERVICE**

A copy of the foregoing Motion to Excuse Defendant's Presence has been electronically filed this 18<sup>th</sup> day of October, 2012, and transmitted to all counsel of record by operation of the Court's Electronic Case Filing System.

/s/ Jennifer E. Schwartz  
Attorney for Defendant Manuel Diaz Marta